

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. CR-19-396-D
)	
SAUL FERNANDEZ-HERRERA,)	
)	
Defendant.)	

ORDER

Before the Court is Defendant’s *pro se* “Motion to Modify Sentence Pursuant to the Dictates of Title 18, United States Code, Section § 3582(c)(2)” [Doc. No. 82]. The Motion is both unsigned and otherwise ineffective.

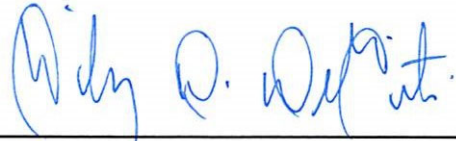
Defendant moves for a reduction of his prison sentence based on a retroactive amendment to the Sentencing Guidelines, Amendment 821.¹ Defendant filed a similar motion in April 2024, which was dismissed based on the finding that “[n]o reduction is authorized because Amendment 821 does not have the effect of lowering Defendant’s applicable guideline range.” *See* Reasons [Doc. No. 81] (citing *United States v. White*, 765 F.3d 1240, 1250 (10th Cir. 2014) (district court lacks jurisdiction to act on § 3582(c)(2) motion if defendant is ineligible for relief)). The Court’s finding was based on both the government’s opposition and his appointed counsel’s advisement that “neither the revised

¹ Because Defendant appears *pro se*, the Court liberally construes his pleadings and arguments. *See Yang v. Archuleta*, 525 F.3d 925, 927 n.1 (10th Cir. 2008); *Hall v. Bellmon*, 935 F.2d 1106, 1110 (10th Cir. 1991).

U.S.S.G. § 4A1.1 nor § 4C1.1 amends [Defendant's] guideline sentencing range.” *See* Notice [Doc. No. 76]. For these same reasons, the Court finds that Defendant is ineligible for relief and thus the Court lacks jurisdiction to act.

IT IS THEREFORE ORDERED that Defendant's Motion to Modify Sentence Pursuant to 18 U.S.C. § 3582(c)(2) [Doc. No. 82] is **DISMISSED**.

IT IS SO ORDERED this 1st day of August, 2024.



TIMOTHY D. DeGIUSTI
Chief United States District Judge